

Carter, Mark

Subject: FW: draft resolution

-----Original Message-----

From: Marge Green [mailto:bmgreen@rcn.com]

Sent: Wednesday, June 08, 2005 1:09 PM

To: Carter, Mark

Cc: Marge Green

Subject: RE: draft resolution

Good Day, Mark:

We have reviewed your comments below, and still feel strongly that all abutting property owners would be equally and better protected if the Little League parcel was required to be enclosed by fencing.

As you can see from your first bullet, you have stated: "*The fence is intended to afford some privacy to the residences and to provide separation from the activity areas.*" This is exactly what we are requesting: that the Little League's parcel be separated from the abutting properties. A tangible, uninterrupted structure of a fence should more effectively ensure that people will remain within the confined area. We are thinking of the safety of all parties involved: both those of the Little League and the abutting property owners. This is similar to the protection required and afforded by the required fencing to be placed around all swimming pools on anyone's property. We do have an indoor swimming pool which is totally enclosed within our home, however, should one decide to trespass and enter the pool and then suffer injury or a drowning death, who will be held as the responsible party? With a fence in place, we believe that contributory negligence and intent to trespass would become the burden of the injured party rather than that of the violated property owner. We do not want to nor feel that we should have to depend upon the League's ability and choice to enforce that separation be upheld by simply having regulations posted. To us, the reality of trespassing, as well as, facing prosecution for the illegal act seem more evident when one must intentionally climb over a fence which has separated the Little League property from the adjoining private properties.

We also meant to include in our prior communications that we are opposed to the recent editorial amendment of "or youth baseball/softball" being inserted in the item #5. That statement was not present when the permit was being considered at the Planning Commission and Board of Supervisors public hearings, and it had not been requested at either venue. We are unsure if this introduces another group besides the Little League, as well as provides for an age category different than that which was defined by the Little League's president's oral testimony delivered at the public hearings. I tried by phone to secure the answer to this concern by identifying the exact wording of Permit UP-417-91, however, voice mail was the result and the Zoning office and Amy Parker also referred me back to you. I am going to try to see if I can locate the exact wording of UP-417-91 to see how it defines the group/audience permitted to use the fields. We need to remain within the stipulated terms of the initial permit, rather than extending it to other age levels and/or groups and games and practices beyond "baseball", as that is not the intent of the application under consideration. We appreciate you have amended the #5 by taking "lighting" out of the brackets and incorporating it into the first sentence, however, we did not request this other amendment to be made. Therefore, we request that you amend the first sentence in #5 by deleting after Little League "or youth baseball/softball" and before practices or games.

Again, thank you for providing us the opportunity to work with you, and we hope that you will continue to amend the permit so that all parties will be safe and satisfied.

Please feel free to call me should you have the need for further clarification or discussion. 898-7739

Have a nice day.

Marge and Barry Green

6/8/2005

-----Original Message-----

From: Carter, Mark

Sent: Friday, June 03, 2005 3:46 PM

To: 'Marge Green'

Subject: RE: draft resolution

Mrs. Green,

Thanks for your reply and comments. Our thought behind the fencing condition is as follows:

- With respect to the adjacent properties on Cook Road, the purpose of the fence is screening as opposed to access control. Those residences are within 250' and 300' of the playing fields. The fence is intended to afford some privacy to the residences and to provide separation from the activity areas.
- Your home is approximately 650 from the ball fields and the intervening area is wooded; staff did not perceive a need for a screening fence between the field and your house, thinking that the wooded area and the distance would provide adequate separation and buffering. The same thoughts hold true for the other homes along Old York Hampton Highway; those homes are an even greater distance away.
- If the Little League parcel were to be required to be enclosed by fencing, whether located on the property lines or located on the immediate perimeter of the parking areas and fields, would that prevent people from walking from Old York Hampton to the fields, or from Old York Hampton to Cook Road? Our thought was that making the Little League responsible for monitoring its patrons would be the most effective way to discourage trespass on the adjacent properties and that perimeter fencing would tend to drive any persons determined to take the cross country route onto adjacent properties as they walk around the fenced area.

We've discussed the months of operation with the Little League and their preference is that the season be allowed to start in February so that they can begin practices that month in the event the weather cooperates. We will note the two differing positions in the next report to the Board of Supervisors.

Please let me know your thoughts on the fence issue and how you would prefer it to be designed to address the trespassing issue.

Mark Carter

-----Original Message-----

From: Marge Green [mailto:bmgreen@rcn.com]

Sent: Friday, June 03, 2005 11:14 AM

To: Carter, Mark

Subject: RE: draft resolution

Importance: High

Mark:

Thank you for the opportunity to review and respond to the amendments. We are pleased to see some of our ideas have been incorporated into the amended permit proposal, and we appreciate your further work on improving the terms of the permit. However, we are very disappointed and concerned to see that the requirement for complete fencing is still lacking. We do not understand why only the abutment property on the south west side of the facility is being afforded the fencing, a higher level of protection. What determining factor was established to not afford all abutting property owners equal treatment/protection? We believe that it is unfortunate that the abutting property owners are burdened with year round, 8 am to 10 pm monitoring for trespassers, who will fail to uphold the "no trespassing" posted regulations and think nothing of walking beyond the property lines or through the natural screening of 6 foot tall evergreens. With 9 to 10 months of facility use and up to 400 players, we are being naïve to think that the Little League volunteer manpower exists to enforce the "no trespassing" concept beyond the simple, natural barrier of evergreen trees with posting of signs stating this regulation. It becomes an even more serious issue when we realize that the residents have to wait until damage or harm is incurred before the complete fencing shall be required. Again, we request that the facility be completely fenced off from the all abutting properties to ensure all parties are protected.

At the Planning Commission's public hearing, the Little League President stated the months of the season to be: "March-practice, April - games, June, July, August - all stars, and Sept-Nov. We would request that you delete February, and replace with "March" as that has now extended the season to 10 months rather

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than the 9 months.

We hope that you can reconsider the amendments after having digested these above comments.

Again, thank you for enabling our input. I will be out of town until Monday. Please feel free to call me should you have any questions.

Marge and Barry Green

From: Carter, Mark [mailto:carterm@yorkcounty.gov]

Sent: Tuesday, May 31, 2005 7:07 AM

To: bmgreen@rcn.com

Subject: draft resolution

Mrs. Green,

Attached is the draft resolution containing revised conditions. Please let us know whether these proposals address the concerns that you raised.

Thanks

Mark Carter

6/8/2005